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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,822	01/20/2004	Robert D. Porter	RDP-3	8304
7590 07/25/2005				
Henry W. Cummings 3313 W. Adams St. St. Charles, MO 63301				
			EXAMINER COHEN, AMY R	
			ART UNIT 2859	PAPER NUMBER

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding. .

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/759,822	PORTER, ROBERT D.	
	Examiner	Art Unit	
	Amy R. Cohen	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

In the papers submitted with the Petition to Revive dated June 15, 2005, Applicant states that the specification has been amended to add a "Brief Description of the Drawings." However, no such amendment is included.

Applicant also states that Pages 9 and 10 have been amended however, no "marked up" copy showing the changes or replacement sheets labeled as such have been submitted.

*Amendments to the Specification should be submitted in the form of a replacement for the paragraph where the change(s) will be made.*

*For example:*

Please amend the paragraph starting on Page 7 of the Specification as follows:

*--Copy the entire text of said paragraph with the added text shown as underlined and the deleted text shown as enclosed in [brackets]. --*

Appropriate correction is required.

### *Drawings*

2. The drawings are objected to because the replacement sheet regarding Fig. 2-2D is not labeled "Replacement Sheet". Other recited amendments to the drawings in the amendment filed June 15, 2005 are not shown, specifically, a replacement sheet for figure 13 including the changes. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

Art Unit: 2859

should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 1, 4, 7, 8, 12, 16 are objected to because of the following informalities:

Although Applicant states that amendments have been made to claims 1, 4, 7, 8, 12, 16, no such amendment is provided in the amendment submitted June 15, 2005.

Applicant is reminded of the format for submitting claim amendments:

*All claims in the application should be listed and the status for each claim should be stated.*

*For example:*

*In the claims:*

*Claim 1 (currently amended) – provide text of claim 1 showing amendments, added text shown as underlined and deleted text shown enclosed in brackets—*

*Claim 2 (previously amended)– provide text of claim 2 as previously presented in the application, in clean form. Changes made to claim 2 in a previous communication are not to be labeled the current response. -*

*Claims 3-5 (canceled)*

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanson (U. S. Patent No. 1,588,361).

Hanson teaches a thread ring gage testing and setting device (Fig. 1) comprising: a threaded outer portion (11) for testing a thread ring gage; a first non-threaded cylindrical portion (b') of smaller diameter than said outer portion located inwardly from said threaded outer portion (Fig. 1); and a second non-threaded cylindrical portion of larger diameter than said first non-threaded cylindrical portion (13) located inwardly from said first non threaded cylindrical portion to test for a thread ring gage over size minor diameter (Fig. 1).

Hanson teaches the thread ring gauge testing device wherein a groove (16, 17) is provided between the first non-threaded cylindrical portion and the second non-threaded cylindrical portion (Fig. 1).

Hanson teaches a thread ring gage testing device comprising: a treaded outer portion (11) at one end for testing a "GO" thread ring gage; a first non threaded cylindrical portion (13) of a smaller diameter than said outer portion located inwardly from said threaded outer portion; a second non-threaded cylindrical portion (Fig. 1, outer portion of 10, between 13 and c) of a larger diameter than said first non-threaded cylindrical portion located inwardly from said first non-threaded cylindrical portion; a second threaded outer portion (11') located at a second end

Art Unit: 2859

for testing a “NO GO” thread ring gage; a third non-threaded cylindrical portion of smaller diameter than said second threaded outer portion (Fig. 1, where b' is pointing, would be numbered 13', but is not numbered); and a fourth non-threaded cylindrical portion located inwardly from said third non-threaded cylindrical portion (Fig. 1, outer portion of 10', between 13' and c').

Hanson teaches the thread ring gage testing device wherein a groove is provided between said first non-threaded cylindrical portion and said second non-threaded cylindrical portion (Fig. 1, the groove is considered the area where threaded part 12 begins), and between said third non-threaded cylindrical portion and said fourth non-threaded cylindrical portion (Fig. 1, the groove is considered the area where threaded part 12' begins).

Regarding claims 1, and 4: it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987). Therefore, to test for a thread ring gage undersize effective minor diameter and to test for a thread ring gage over size minor diameter is considered intended use of the device.

6. Claims 1, 2, 7, 8, 12-14, 16-18, and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomson (U. S. Patent No. 1,954,852).

Thomson teaches a thread ring gage testing and setting device (Fig. 1) comprising: a threaded outer portion (16) for testing a thread ring gage; a first non-threaded cylindrical portion (15) of smaller diameter than said outer portion located inwardly from said threaded outer portion to test for a thread ring gage undersize effective minor diameter; and a second non-

Art Unit: 2859

threaded cylindrical portion (18) of larger diameter than said first non-threaded cylindrical portion located inwardly from said first non-threaded cylindrical portion to test for a thread ring gage over size minor diameter (Col 2, lines 73-97).

Thomson teaches the thread ring gage testing device wherein a groove (the groove is before thread 20, Fig. 4) is provided between first non-threaded cylindrical portion and said second non-threaded cylindrical portion.

Thomson teaches an improved thread ring gage testing device for testing "GO" and "NO GO" thread ring gages comprising: longitudinally spaced effective minor diameter cylindrical checking sections (15, 18) located respectively in the approximate center of the respective "GO" and "NO GO" gage portions; longitudinally spaced front threaded sections (16, 19) having pitch diameters formed to the lower limit of the thread ring gage pitch diameter tolerance; and longitudinally spaced back truncated thread sections (17, 20) formed to the upper limit of the thread ring gage pitch diameter tolerance of said gage.

Thomson teaches a method of testing a thread ring gage comprising; providing a thread ring gage to be tested for tolerance compliance; providing a thread setting plug gage; adjusting said thread ring gage to fit on a first full threaded section of said plug gage; advancing said thread ring gage toward a first cylindrical section of said setting gage; determining whether said thread ring gage clears said first cylindrical section of said setting gage, which represents the minimum acceptable effective minor diameter; advancing said thread ring gage further toward a second, larger diameter plain cylindrical section; determining if said ring gage stops at said second, larger diameter plain cylindrical section; which represents the upper size limit for the minor diameter of said ring gage; advancing said thread ring gage in the opposite direction

Art Unit: 2859

toward a truncated section located at a front portion of said setting gage; and determining whether or not there is a change in the fit of said ring gage on said truncated section (Col 2, lines 64-96, Col 3, lines 14-72).

Thomson teaches an improved thread ring gage testing device for testing "GO" and "NO GO" thread ring gages comprising: a threaded portion (16) for testing a thread ring gage; a first non-threaded cylindrical portion of smaller diameter (11) located outwardly from said threaded portion to test for a thread ring gage undersize effective minor diameter, and; a second non-threaded cylindrical portion (15) of a larger diameter than said first non-threaded cylindrical portion located inwardly from said threaded portion to test for a thread ring gage oversize minor diameter (Fig. 1).

Thomson teaches the thread ring gage testing device wherein a starting chamfer (the end of 11) is provided on the outward end of first non-threaded cylindrical portion to facilitate assembly with the thread ring gage (Fig. 1).

Thomson teaches the thread ring gage testing device wherein a groove (13) is provided between first non-threaded cylindrical portion and said threaded portion.

Thomson teaches a thread ring gage testing device comprising: a threaded outer portion (16) at one end for testing a "GO" thread ring gage; a first non-threaded cylindrical portion (11) of smaller diameter than said outer portion located outwardly from said threaded outer portion to test for a thread ring gage undersize effective minor diameter; and a second non-threaded cylindrical portion (15) of larger diameter than said first non-threaded cylindrical portion located inwardly from said threaded outer portion to test for a thread ling gage over size minor diameter; a second threaded outer portion (19) located at a second end for testing a "NO GO" thread ring



Art Unit: 2859

gage; a third non-threaded cylindrical portion (12) of smaller diameter than said second threaded outer portion to test for a thread ring gage undersize minor diameter; and a fourth non-threaded cylindrical portion (18) of larger diameter than said third non-threaded cylindrical portion located inwardly from said threaded outer portion to test for an oversize minor diameter (Fig. 1).

Thomson teaches a thread ring testing device wherein a starting chamfer (the end of 12) is provided on the outward end of said third non-threaded cylindrical portion to facilitate assembly with the thread ring gage.

Thomson teaches the thread ring testing device wherein a groove (14) is provided between said third non-threaded cylindrical portion and said second threaded portion.

Thomson teaches a thread ring gage testing and setting device comprising: one end for testing "GO" ring gages (Fig. 1), a second end for testing "NO GO" ring gages (Fig. 1), means to test for a thread ring gage undersize effective minor diameter (11, 12), means for testing the pitch diameter of a thread ring gage (16, 19), and means to test for a thread ring gage oversize diameter (15, 18).

Thomson teaches the thread ring gage testing and setting device wherein said end for testing "GO" ring gage is substantially identically configured to said end for testing "NO GO" ring gages (Fig. 1).

Thomson teaches the thread ring gage testing and setting device wherein said means for testing a thread ring gage undersize effective diameter comprises a non-threaded cylindrical portion (11, 12) on each end.

Thomson teaches the thread ring gage testing and setting device wherein said means for testing the pitch diameter of a thread ring gage comprises a threaded portion on each end (16, 19).

Thomson teaches the thread ring gage testing and setting device wherein said means for testing thread ring gage oversize minor diameter comprises a non-threaded cylindrical portion located at the innermost portion of each end (15, 18), and is of greater diameter than said means for testing thread ring undersize effective minor diameter.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 6, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson in view of Roberts (U. S. Patent No. 4,356,636).

Thomson discloses the thread ring gage testing and setting device as described above in paragraph 6.

Thomson does not disclose a thread ring gage testing and setting device wherein the outside diameter of the threaded portion varies.

Roberts discloses a thread ring gage testing and setting device wherein the outside diameter of the threaded portion (12) varies (Figs. 1-5 and Col 2, lines 8-24).

Art Unit: 2859

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the threaded portion of the device of Thomson, to have the diameter of the threaded portion vary, as taught by Roberts, since threads of varying diameters are often used and therefore, need to be checked for accuracy (Roberts, Col 1, line 64-Col 2, line 5 and Col 2, lines 8-24).

9. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomson in view of Admitted Prior Art found on Page 3, lines 3-11 and Page 4, lines 1-3 [hereinafter APA].

Thomson discloses the thread ring gage testing and setting device and method of testing as described above in paragraph 6 and wherein the device is used to test the acceptability of a thread (Col 1, lines 1-21).

Thomson does not disclose a method of testing specifically including reworking the thread flanks of said ring gage to place said thread flanks within tolerance and rechecking said thread flanks; discarding said ring gages which will not clear said first cylindrical effective minor diameter testing section of said thread setting plug gage; and discarding said ring gages in which said thread ring gage clears said maximum minor diameter testing section of said thread plug gage.

APA discloses a method of testing specifically including reworking the thread flanks of said ring gage to place said thread flanks within tolerance and rechecking said thread flanks; discarding said ring gages which will not clear said first cylindrical effective minor diameter testing section of said thread setting plug gage; and discarding said ring gages in which said thread ring gage clears said maximum minor diameter testing section of said thread plug gage (Page 3, lines 3-11 and Page 4, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of testing a thread ring gage of Thomson to specifically include reworking and rechecking the thread flanks, and discarding ring gages which do not meet the acceptable diameter, as taught by APA, since APA teaches that reworking and rechecking or discarding ring gages adds to the efficiency and productivity of a user (Page 3, lines 3-11 and Page 4, lines 1-3) and since Thomson teaches that the method of testing should be used to determine the acceptability of threads (Col 1, lines 1-21).

#### *Response to Arguments*

10. Applicant's arguments, see "Reply A" of the Amendment, filed June 15, 2005, with respect to the rejection(s) of claim(s) 1 under Hanson, regarding the diameters of the non-threaded cylindrical portions, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hanson, renumbering the appropriate non-threaded portions in order to be consistent with the claim language.

11. Applicant's arguments filed June 15, 2005 with respect to the arguments (except as stated above in paragraph 10) have been fully considered but they are not persuasive.

12. In response to applicant's argument that Hanson, Thomas, and Roberts do not teach "GO" "NO GO" gauges, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making,

Art Unit: 2859

the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Examiner notes that the arguments filed with the Petition, dated June 15, 2005, are unclear since it appears two sets of arguments are included and it appears that they may not be complete.

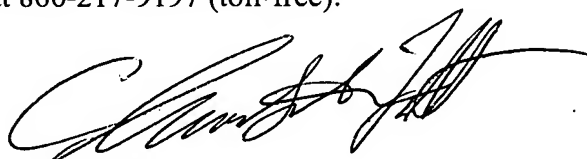
### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R. Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC  
July 20, 2005



Christopher Fulton  
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